



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	III	Case Management	
Chapter:	C	Case Oversight & Management	4-1-2013
Subchapter:	7	Rights and Responsibilities of Applicants and Clients	
Issuance:	100	Rights and Responsibilities of Applicants and Clients	

Rights of Applicants and Clients - General Provisions 4-25-2011

Any person who currently resides in New Jersey shall have the right to apply for any child welfare services or child protective services provided by the Division or a contracted program funded by the Department, regardless of their citizenship, immigration status or how long they have lived in New Jersey.

It is the practice of the Division of Child Protection and Permanency to create welcoming and inclusive environments for all youth. CP&P prohibits discrimination based on an individual's sexual orientation, gender identity, or gender expression. The CP&P practice of inclusion extends to service delivery. Therefore, heterosexual youth, lesbian, gay, bisexual, transgender, questioning and intersexed youth are provided with equal access to all available services, including placement, care, and treatment.

CP&P Area and Local Offices have designated Safe Space Liaisons to assist in identifying local community resources for LGBTQI youth, such as school-based peer support and welcoming congregations. They can also provide print resources to help guide decision-making for LGBTQI youth in care.

“Any person who currently resides in New Jersey shall have the right to apply for any child welfare services or child protective services provided by the Division.

Any person within New Jersey may apply for child welfare services or protective services as specified in N.J.S.A. 30:4C-11. Anyone requesting to apply in person for services shall be given the opportunity to do so immediately.

An applicant or client may orally or in writing authorize a representative to speak and act on his or her behalf. If the applicant or client is incompetent or incapacitated or in an emergency, the application may be signed for him or her by someone determined by the Division to be able to act responsibly on his or her behalf, including a Division representative. The Division representative shall help the client, applicant, or representative complete the application, if necessary.

The applicant, client, or representative requesting or requiring services shall have the right to make application in writing.

The applicant, client, or representative shall receive a copy of the completed application. The applicant or client shall receive written information about:

- The Division's authority to provide service and conduct protective service investigations;
- Services available through the Division;
- The Division's mission;
- The role of the Division representative;
- The rights of applicants and clients including their right to consult an attorney;
- When and how an applicant or client may appeal an action taken by or decision made by the Division;
- The definition of an abused or neglected child;
- The purpose and general procedures for a child protective service investigation;
- The purpose and general procedures for an assessment;
- Parental financial responsibilities when receiving Division services;
- How to reach the Division by telephone during normal working hours and after working hours;
- Child Placement Review and placement reviews when placement has been requested or is otherwise indicated; and
- The Notice of Privacy Practices pursuant to the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 164 et seq. (N.J.A.C. 10:133-1.4)

The Division shall not discriminate against an applicant or client on the basis of race; color; ethnicity; national origin; age; handicapping condition; gender; religion; marital, civil union, domestic partnership, parental, or birth status; affectional or sexual orientation, as defined at N.J.S.A. 10:5-5hh; or gender identity or expression, as defined at N.J.S.A. 10:5-5rr.

The applicant, client or reporter, if a request is made, shall have the right to receive a written disposition from the Division as soon as practical but not later than 10 calendar days from the date upon which a finding of substantiated or unfounded is made or upon which a decision to provide or not to provide child welfare services is made.

Each applicant or client shall be informed of:

- The Division's responsibilities, as listed in N.J.A.C. 10:133-1.6;
- Eligibility factors used by the Division;
- The Division's legal responsibility to investigate certain abuse or neglect reports or referrals;
- Other resources in the community or courses of action, which might meet his or her needs;
- Why the Division is involved with him or her and the family, if the person did not ask for help;
- What the Division expects from him or her and the child; and
- What services can be provided.

An applicant or client shall have the right to have the rules of this chapter followed.

The applicant or client shall have the right to accept or refuse any involvement or services offered by the Division, unless a court order requires the Division to provide them, and the court order requires the applicant or client to utilize the service. (N.J.A.C. 10:133-1.4)”

Upon request, a client or reporter has the right to receive a written disposition from CP&P as soon as practical, but no later than 60 calendar days from the date SCR documents the CPS report and assigns it to a field office for investigation, or from the date SCR documents the CWS referral and assigns it to a field office for response.

Responsibilities of Applicants and Clients

6-28-95

“A person applying for or receiving services shall provide information necessary to determine his or her eligibility for services including requested financial information.

A person applying for or receiving services shall report within seven days to the Division representative any changes in the number or relationship of family members, changes in address or residence, changes in financial circumstances, changes in employment or any other change in circumstances which may affect eligibility for services.” (N.J.A.C. 10:133-1.5)

Appeals

6-25-95

For information regarding the appeals process, see [CP&P-IX-E-1-100](#).

Rights of Clients - Child Protective Service Investigations

4-4-2005

During a CPS investigation, all those persons subject to the investigation, including a child, his parents, caregiver or temporary caregiver, and the staff of an institution have the right to be treated with respect and in a fair and professional manner. The integrity of the investigation and assessment must be maintained so that the rights of all parties are not compromised. Adherence to clear, consistent standards and guidelines helps to ensure that investigations are timely and thorough and that decisions are made in accordance with good case practice and within the parameters of the law.

In a child protective services investigation, the client has the right to know:

- The reason for the CP&P investigation,
- How the investigation will proceed, and
- The CP&P or IAIU investigation finding determination.

The assigned Child Protective Investigator advises each client and alleged perpetrator of child abuse/neglect of his or her rights, as outlined in this subsection, unless there is reason to believe that by doing so the child will be further harmed or placed at risk of harm, that the investigation will be jeopardized, or the DAG or county prosecutor's office has requested that the client or alleged perpetrator not be contacted/notified.

Information Provided During Investigation

4-1-2013

Except for cases where the police, county prosecutor or Deputy Attorney General have determined that such action would impede investigative or litigation efforts and as limited below for investigations in institutional settings, when a child has been interviewed or observed without his or her parent's or caregiver's knowledge or consent, the Division representative shall notify the parent of the child subject of the investigation and the caregiver of the child subject of the investigation, if the child will remain in the custody of the caregiver, as soon as possible after interviewing or observing the child or any of his or her siblings that the child has been interviewed or observed.

When an investigation is conducted in an institution and a child other than the child subject of the investigation is interviewed without the knowledge and consent of his parent(s), the Division shall not be obligated to notify the parents of those children of the investigation, unless and until abuse or neglect is Substantiated or Established, and the child was a subject of the abuse or neglect.

When an emergency removal is made pursuant to N.J.S.A. 9:6-8.29 (Dodd removal), the Division representative shall make every reasonable effort to notify the child's parent and the caregiver, temporary caregiver or institutional caregiver responsible for the child at the time of the removal. See [CP&P-II-C-2-700](#)

A Division representative shall immediately serve or attempt to serve written notice upon the parent, caregiver, or chief administrator of an institution from which the child was removed whenever a child has been taken into protective custody as defined herein and shall begin a child protective service investigation immediately. See [CP&P-II-C-2-700](#).

Notification of Investigation to Child, Parent, Caregiver, Institutional Caregiver 3-16-2009

Except for cases where the police, County Prosecutor or Deputy Attorney General have determined that such action would impede investigative or litigation efforts, the Division representative may inform the child subject of an investigation in accordance with the child's capacity to understand and cope with the information, see [CP&P-II-C-6-300](#) and [CP&P-IX-G-1-100](#) , and shall inform the child's custodial parent, caregiver, and the Administrator of the institution in which the child may have been abused or neglected:

- That a child protective service report has been made, the nature of the allegation(s), and that an investigation will be conducted;
- Of the names and telephone numbers of the State child protective service agency (CP&P, IAIU, PDCIU) representative assigned to investigate and his or her Supervisor;
- That the Department of Children and Families is responsible for conducting an investigation pursuant to N.J.S.A. 30:4C-11 and 12 and N.J.S.A. 9:6-8.11.

The above-noted information shall be provided at the time of the initial contact between the Worker/Investigator and each person interviewed, (i.e., parent, caregiver, institutional caregiver, child victim).

When an investigation is being conducted in a registered family day care home, and the child subject of the investigation is under CP&P supervision or in a CP&P resource family or adoption home, the SCR Screener notifies the child's Worker of the investigation via NJ SPIRIT. SCR makes a "Secondary Assignment" to the assigned Worker, making the "Primary Assignment" to the respective IAIU Regional Office.

The assigned IAIU Investigator or his or her Supervisor notifies the child's parent/legal guardian and the Office of Licensing that an allegation of child abuse or neglect is being investigated regarding the day care home. In addition, the assigned IAIU Investigator/Supervisor notifies the child's temporary caregiver (resource family parent,

adoptive parent) of the investigation, when that information is necessary for the temporary caregiver to provide care for the child.

Notification of Investigation to Alleged Perpetrator 6-18-2001

The Division representative shall tell each person specifically alleged to be a perpetrator of child abuse or neglect, upon initial contact regarding the provisions above, (i.e., the information provided to parents, caregivers and institutional caregivers in [CP&P-III-C-7-100](#)) and that he or she has been named the alleged perpetrator of child abuse or neglect, except for cases in litigation and for which the Deputy Attorney General, the police or the county prosecutor has determined that providing such information would interfere with the proceedings, or cases in which providing such information will jeopardize the investigation.

The information to be provided by the Division representative in accordance with the previous paragraphs shall be provided at the time of the initial contact between the Division representative and each alleged perpetrator interviewed unless the Deputy Attorney General, police, or county prosecutor advise the Division representative to delay the notice.

Notification of Findings 10-18-2010

See [CP&P-II-C-6-300](#), Notification of Investigation Findings, and its subsections regarding notifications to the confirmed or alleged perpetrator, the child, and other appropriate parties (e.g., non-offending parent/caregiver, police/law enforcement agencies, facility Administrator).

Notice Required When Finding Is Reversed 4-1-2013

When a finding is reversed, the previously identified perpetrator(s)/appellant(s), parent(s), and other appropriate parties must be notified. See [CP&P-II-C-6-300](#), When a "Substantiated" Finding Is Reversed, for notification policy and procedures. See DCF Forms 9-82, 9-83, 9-84, and IAIU Form [3-30](#).

For investigations conducted prior to April 1, 2005, findings may be reversed to "Not Substantiated." Not Substantiate was eliminated as a finding determination for CPS reports received on or after April 1, 2005. "Established" and "Not Established" were adopted as DCF investigation findings effective April 1, 2013.